

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

APR 26 2002

DOCKET FILE COPY ORIGINAL

86-285

OFFICE OF  
MANAGING DIRECTOR

Aaron P. Shainis, Esq.  
Shainis & Peltzman, Chartered  
Suite 240  
1850 M Street, N.W.  
Washington, D.C. 20036

Re: Hispanic Keys Broadcasting Corp.  
Station WVIB (formerly WWTU), Key West, FL  
Request for Refund of FY 2000 Regulatory Fee  
Fee Control No. 0012088835222001

Dear Mr. Shainis:

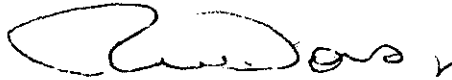
This is in response to your letter dated March 11, 2002, filed on behalf of Hispanic Keys Broadcasting Corp. (Hispanic Keys), licensee of Station WVIB (formerly WWTU), Key West, Florida, in support of Hispanic Keys's request for a refund of the \$33,275.00 fiscal year (FY) 2000 regulatory fee and the \$8,318.75 late charge penalty for late payment of the regulatory fee. You request a refund of the \$41,593.75 total amount on the grounds of financial hardship.

In establishing a regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship upon a licensee. The Commission therefore decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." *See Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5346 (1994), *recon. granted*, 10 FCC Rcd 12759 (1995). In reviewing a showing of financial hardship, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits, and considers whether the station lacks sufficient funds to pay the regulatory fee and maintain service to the public. Thus, even if a station loses money, any funds paid to principals, deductions for depreciation or similar items are considered funds available to pay the fees.

You have submitted a copy of Hispanic Keys's 2000 U.S. Income Tax Return for an S Corporation, Form 1120S, together with the associated Form 1120S schedules. These papers indicate that Hispanic suffered a financial loss in 2000 without regard to any deduction for depreciation, and that no payments were made to any officers of the corporation. You also state that "none of the principals of Hispanic Keys received any compensation." We therefore grant your request for a refund of the \$33,275.00 FY 2000 regulatory fee and the \$8,318.75 late charge penalty, for a total refund of \$41,593.75.

A check made payable to the maker of the original check, and drawn in the amount of \$41,593.75, will be sent to you at the earliest practicable time. If you have any questions concerning this matter, please contact the Revenue & Receivables Operation Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Reger", with a stylized flourish at the end.

 Mark A. Reger  
Chief Financial Officer

0012088835222001

# Shainis & Meltzman, Chartered

Counselors at Law

Suite 240

1850 M Street, N.W.

Washington, D.C. 20036

(202) 293-0011

Fax (202) 293-0810

e-mail: shainismeltzman@s-plaw.com

Aaron P. Shainis  
aaron@s-plaw.com

Lee J. Meltzman  
lee@s-plaw.com

Of Counsel

William H. BuRoss, III  
bill@s-plaw.com

Robert J. Keller  
rkeller@s-plaw.com

March 11, 2002

RECEIVED - FCC

Office of the Managing Director  
Federal Communications Commission  
445 12th Street, S.W., Room 1-A625  
Washington, D.C. 20554

MAR 11 2002

Federal Communication Commission  
Bureau/Office

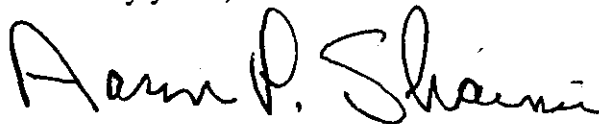
Attention: Regulatory Fee Waiver/Reduction Request

Re: Hispanic Keys Broadcasting Corp.  
Station WVIB (formerly WWTU)  
Key West, Florida  
Facility ID No. 27387

Gentlemen:

Attached to the instant submission is documentation demonstrating that in the year 2000 Hispanic Keys Broadcasting Corp. paid regulatory fees for WVIB (formerly WWTU) including late fees of \$41,593.75. Also attached to this letter is the 2000 Income Tax Return for Hispanic Keys Broadcasting Corp. That return indicates that Hispanic Keys lost \$88,386.00 during the year 2000. Moreover, none of the principals of Hispanic Keys Broadcasting Corp. received any compensation. Accordingly, it is respectfully requested that Hispanic Keys be granted a waiver of the 2000 regulatory fees and the money it has paid refunded. If you have any questions with respect to this matter, please communicate with the undersigned.

Sincerely yours,



Aaron P. Shainis

Counsel for

HISPANIC KEYS BROADCASTING CORP.

Enclosures

ORIGINAL

READ INSTRUCTIONS CAREFULLY  
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION

APPROVED BY OMB 3060-0589

REMITTANCE ADVICE

SPECIAL USE

FCC USE ONLY

(1) LOCKBOX # 358835

PAGE NO. 1 OF 1

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)

SHAINIS & PELTZMAN, CHARTERED

(3) TOTAL AMOUNT PAID (dollars and cents)

\$ 41,593.75

(4) STREET ADDRESS LINE NO. 1

Suite 240

(5) STREET ADDRESS LINE NO. 2

1850 M Street, N.W.

(6) CITY

Washington

(7) STATE

DC

(8) ZIP CODE

20036

(9) DAYTIME TELEPHONE NUMBER (include area code)

202 293 0011

(10) COUNTRY CODE (if not in U.S.A.)

STAMP AND RETURN

IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B

IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

SECTION B - APPLICANT INFORMATION

(11) APPLICANT NAME (if paying by credit card, enter name exactly as it appears on your card)

HISPANIC KEYS BROADCASTING CORP.

(12) STREET ADDRESS LINE NO. 1

7625 N. W. 51st Street

(13) STREET ADDRESS LINE NO. 2

(14) CITY

Gainesville

(15) STATE

FL

(16) ZIP CODE

32653

(17) DAYTIME TELEPHONE NUMBER (include area code)

352 395 5204

(18) COUNTRY CODE (if not in U.S.A.)

COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEETS (FORM 159-C)

SECTION C - PAYMENT INFORMATION

(19A) FCC CALL SIGN/OTHER ID

WWTU (TV)  
FORMERLY WWFD (TV)

(20A) PAYMENT TYPE CODE (PTC)

0 0 5 4

(21A) QUANTITY

1

(22A) FEE DUE FOR (PTC) IN BLOCK 20A

\$ 33,275.00

FCC USE ONLY

(23A) FCC CODE 1

Facility ID # 27387

(24A) FCC CODE 2

FL, Gainesville

(19B) FCC CALL SIGN/OTHER ID

WWTU (TV)  
FORMERLY WWFD (TV)

(20B) PAYMENT TYPE CODE (PTC)

F I N E

(21B) QUANTITY

001

(22B) FEE DUE FOR (PTC) IN BLOCK 20B

\$ 8,318.75

FCC USE ONLY

(23B) FCC CODE 1

Facility ID # 27387

(24B) FCC CODE 2

(19C) FCC CALL SIGN/OTHER ID

(20C) PAYMENT TYPE CODE (PTC)

(21C) QUANTITY

(22C) FEE DUE FOR (PTC) IN BLOCK 20C

FCC USE ONLY

(23C) FCC CODE 1

(24C) FCC CODE 2

(19D) FCC CALL SIGN/OTHER ID

(20D) PAYMENT TYPE CODE (PTC)

(21D) QUANTITY

(22D) FEE DUE FOR (PTC) IN BLOCK 20D

FCC USE ONLY

(23D) FCC CODE 1

(24D) FCC CODE 2

SECTION D - TAXPAYER INFORMATION (REQUIRED)

(25)

(25) COMPLETE THIS BLOCK ONLY IF APPLICANT NAME IN B-11 IS DIFFERENT FROM PAYER NAME IN A-2

PAYER TIN

0 5 2 1 9 8 5 6 6 4

APPLICANT TIN

0 5 9 2 7 7 8 4 0 7

SECTION E - CERTIFICATION

(27) CERTIFICATION STATEMENT

I, Aaron P. Shainis, Counsel, Certify under penalty of perjury that the foregoing and supporting information

are true and correct to the best of my knowledge, information and belief. SIGNATURE

Aaron P. Shainis

SECTION F - CREDIT CARD PAYMENT INFORMATION

(28)

MASTERCARD/VISA ACCOUNT NUMBER:

EXPIRATION DATE:

MASTERCARD

VISA

I hereby authorize the FCC to charge my VISA or MASTERCARD  
for the service(s)/authorization(s) herein described.

AUTHORIZED SIGNATURE

DATE

# Payment Transactions Detail Report

Date: 03/13/2002

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
0012088835222001	SHAINIS & PELTZMAN CHARTERED SUITE 240 1860 M STREET NW WASHINGTON DC 20036	WP00022119	0521985664	12/07/2000 00:00:00							
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$41,593.75	\$41,593.75	1	0054	1	WWTUTV	HISPANIC KEYS BROADCASTING COR	32653		\$33,275.00	1	PMT
\$41,593.75	\$41,593.75	2	FINE	1	WWTUTV	HISPANIC KEYS BROADCASTING COR	32653		\$8,318.75	1	PMT
Total	2								\$41,593.75		

FEDERAL COMMUNICATIONS COMMISSION

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OFFICE OF  
MANAGING DIRECTOR

Aaron P. Shainis, Esq.  
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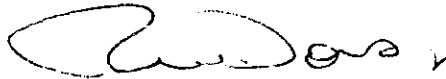
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Chief Financial Officer

CO 12088835222001

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Lee J. Peltzman

lee@s-plaw.com

Of Counsel

William H. BuRoss, III

bill@s-plaw.com

Robert J. Keller

rkeller@s-plaw.com

March 11, 2002

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MAR 11 2002

Federal Communication Commission  
Bureau/Office

Office of the Managing Director  
Federal Communications Commission  
445 12th Street, S.W., Room 1-A625  
Washington, D.C. 20554

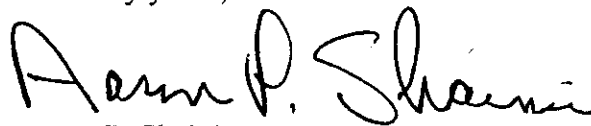
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Aaron P. Shainis

Counsel for

HISPANIC KEYS BROADCASTING CORP.

Enclosures

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(15) STATE

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(18) COUNTRY CODE (if not in U.S.A.)

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FORMERLY WWFD (TV)

(20A) PAYMENT TYPE CODE (PTC)

0 0 5 4

(21A) QUANTITY

1

(22A) FEE DUE FOR (PTC) IN BLOCK 20A

\$ 33,275.00

FCC USE ONLY

(23A) FCC CODE 1

Facility ID # 27387

(24A) FCC CODE 2

FL, Gainesville

(19B) FCC CALL SIGN/OTHER ID

WFTD (TV)  
FORMERLY WWFD (TV)

(20B) PAYMENT TYPE CODE (PTC)

F I N E

(21B) QUANTITY

001

(22B) FEE DUE FOR (PTC) IN BLOCK 20B

\$ 8,318.75

FCC USE ONLY

(23B) FCC CODE 1

Facility ID # 27387

(24B) FCC CODE 2

(19C) FCC CALL SIGN/OTHER ID

(20C) PAYMENT TYPE CODE (PTC)

(21C) QUANTITY

(22C) FEE DUE FOR (PTC) IN BLOCK 20C

FCC USE ONLY

(23C) FCC CODE 1

(24C) FCC CODE 2

(19D) FCC CALL SIGN/OTHER ID

(20D) PAYMENT TYPE CODE (PTC)

(21D) QUANTITY

(22D) FEE DUE FOR (PTC) IN BLOCK 20D

FCC USE ONLY

(23D) FCC CODE 1

(24D) FCC CODE 2

SECTION D - TAXPAYER INFORMATION (REQUIRED)

(25)

PAYER TIN

0 5 2 1 9 8 5 6 6 4

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Aaron P. Shainis

SECTION F - CREDIT CARD PAYMENT INFORMATION

(28)

MASTERCARD

MASTERCARD/VISA ACCOUNT NUMBER:

EXPIRATION DATE:

MONTH YEAR

VISA

I hereby authorize the FCC to charge my VISA or MASTERCARD  
for the service(s)/authorization(s) herein described.

AUTHORIZED SIGNATURE

DATE

# Payment Transactions Detail Report

Date: 03/13/2002

BY: FEE CONTROL NUMBER

Fee Control  
Number

Payor  
Name

Fcc Account  
Number

Payer  
TIN

Received  
Date

0012088835222001

SHAINIS & PELTZMAN CHARTERED

WP00022119

0521985664

12/07/2000 00:00:00

SUITE 240

1850 M STREET NW

WASHINGTON

DC

20036

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$41,593.75	\$41,593.75	1	0054	1	WWTUTV	HISPANIC KEYS BROADCASTING COR	32653		\$33,275.00	1	PMT
\$41,593.75	\$41,593.75	2	FINE	1	WWTUTV	HISPANIC KEYS BROADCASTING COR	32653		\$8,318.75	1	PMT
Total		2							\$41,593.75		

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

APR 26 2002

DOCKET FILE COPY ORIGINAL

OFFICE OF  
MANAGING DIRECTOR

86-285

Van D. Goodall, Jr., President  
KRZI, Inc.  
Post Office Box 8093  
Waco, Texas 76714-8093

RE: *In re Van D. Goodall, Debtor*, United States Bankruptcy Court, W.D. Texas,  
Waco Division, Case No.: 01-61767 LK;  
KRZI, Inc. (KRZI-AM, Waco, Texas and KLRK-FM (f/k/a KEYR-FM), Marlin,  
Texas, and KRZX-AM, Waco, Texas); Fee Control No. 00000RROG-02-022.

Dear Mr. Goodall:

We received your letter dated September 21, 2001, with which you submitted a copy of a "Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines," case number 01-61767 LK. By that letter, you informed the Commission that on August 6, 2001 you filed a voluntary Chapter 13 bankruptcy proceeding to prevent a foreclosure action on the real estate on which is located the transmitter for radio station KRZI (AM). Based on that information, you assert that all available funds are needed to maintain station operations, and you ask the Commission to waive the fiscal year (FY) 2001 regulatory fees for three stations identified by call signs, KRZI (AM), KLRK (FM) and KRZX (AM). For the reasons set out below, we deny the request for waiver of the regulatory fees. The regulatory fees for each of the stations for fiscal year (FY) 2001 and the 25% late payment penalty, a total of \$4,187.50, are now due.

For their information, we are providing copies of this letter to Mr. Peltzman, Ms. Erin B. Shank, and the United States Bankruptcy Trustee.

*Background*

Your letter requesting a waiver of the regulatory fees for the three radio stations because you filed a voluntary Chapter 13 petition for bankruptcy does not present a compelling case for financial hardship sufficient to excuse you from paying the regulatory fees for FY 2001. Your petition for bankruptcy under Chapter 13 of the bankruptcy code<sup>1</sup> relates to your consumer, non-business debt. In contrast to the basis for that proceeding, you operate the three radio stations as a commercial business.

---

<sup>1</sup> Title 11, U.S.C. Chapter 13, Adjustment of Debts of an Individual with Regular Income.

On October 1, 2000, the date the Commission uses to calculate the fee and determine the obligation to pay the fee,<sup>2</sup> as well as the date of your subsequent transfer application, KRZI, Inc., was the named licensee. On August 6, 2001, you requested the Commission to transfer the license from the corporation to you, and thereby assumed the regulatory obligations of the broadcast stations, which included payment of the annual regulatory fees. Without notice of your bankruptcy filing, the Commission granted the application on August 27, 2001.<sup>3</sup> Even so, your individual Chapter 13 proceeding and subsequent transfer of the three station licenses from the corporate name, KRZI, Inc., to your name does not excuse you from paying the regulatory fees required by 47 U.S.C. § 159.

### *The Affect of the Notice of Chapter 13 on Regulatory Fees*

Several reasons prevent the Commission from accepting the "Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines" as demonstrating either financial hardship or a legal excuse from paying the regulatory fees. First, your submission of the front page of the form does not provide formal notice of the referenced proceedings and it does not indicate the extent to which the three station licenses are included in the estate.

Second, even if you had provided a complete copy of the initial petition with the required attachments,<sup>4</sup> evidence of a Chapter 13 proceeding<sup>5</sup> is insufficient to grant a waiver without the regulatee "fully document[ing] its financial position and show[ing] that it lacks sufficient funds to pay the regulatory fees and to maintain its service to the public."<sup>6</sup> Although the Commission has previously granted waivers based on bankruptcy, that holding rests upon "[e]vidence of bankruptcy or receivership . . . [of the station], undergoing Chapter 11 reorganization[] or in receivership."<sup>7</sup> Your Chapter 13 proceeding is different from the forms of bankruptcy discussed by the Commission.

### *Conclusion*

Your request for relief from paying the FY 2001 regulatory fees is denied because you have failed to present a compelling basis for relief. The Chapter 13 proceeding you filed addresses only consumer/non-business debts; consequently, that filing does not provide a basis to alter the obligation to pay the regulatory fees.

---

<sup>2</sup> Report and Order, *Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year*, 9 FCC Rcd. 5333, 5350 (1994).

<sup>3</sup> 47 U.S.C. §§ 308, 309

<sup>4</sup> F.R.B.P., Rule 3015(b) (The Chapter 13 plan is filed either with the petition or within 15 days thereafter.).

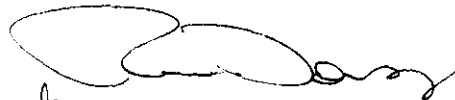
<sup>5</sup> 11 U.S.C. Chapter 13.

<sup>6</sup> *Opinion and Order, Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year*, FCC 95-257, 10 FCC Rcd 12759, 12761-12762, ¶ 13 ("Mere allegations or documentation of financial loss, standing alone, will not support a waiver request. Rather, we will grant a waiver only when the impact of the regulatory fee will affect a regulatee's ability to serve the public.")

<sup>7</sup> *Id.* at 12762, ¶ 14.

To avoid additional costs and to insure proper credit, prepare a Form 159 with your check for \$4,187.50 and deliver payment so that it is received within 30 days of the date of this letter. Interest on delinquent debts starts to accrue from the date of our demand, and, as provided for in Title 31, United States Code §3717, if the debt remains unpaid for more than 90 days, we are required to add a penalty of 6 percent per year of the unpaid amount. The delinquent debt for the FY 2001 regulatory fees may be transferred to the Secretary of the Treasury for collection or to the United States Department of Justice to commence a lawsuit to enforce payment, and/or to apply other administrative sanctions. 47 CFR §§ 1.1161, 1.1164, 1.1940. If we have to initiate collection effort to obtain the amount owed, we will charge you the accompanying administrative costs. In that regard, you may avoid this additional interest, the additional penalties, and other administrative charges, if you pay the full amount within 30 days of the date of this letter accompanied with the required remittance form. If you have any questions concerning this letter, you may write me at the Commission or call the Revenue and Receivables Operation Group at (202) 418-1995.

Sincerely,



Mark A. Reger  
Chief Financial Officer

Copies furnished:

United States Bankruptcy Trustee  
Ray Hendren, Esquire  
101 East 9<sup>th</sup> Street, Suite 1200  
Austin, Texas 78701

Lee J. Peltzman, Esquire  
Shainis & Peltzman, Chartered  
Counselors at Law  
1901 L Street, N.W., Suite 290  
Washington, D.C. 20036

Erin B. Shank, Esquire  
Erin B. Shank, P.C.  
2309 Austin Avenue  
Waco, Texas 76701



LITE ROCK 92.9

KLRK-FM

RECEIVED

SEP 27 2001

FCC MAIL ROOM

September 21, 2001

Office Of The Managing Director  
Federal Communications Commission  
445 12TH ST. N.W.  
Washington, D.C. 20554

REF: Regulatory fee waiver request for:  
KRZI (AM), Waco, Tx., facility 35580  
KLRK (FM), Marlin, Tx., facility 35581  
KRZX (AM), Waco, Tx., facility 87179

Dear Sir or Madame:

This letter is being written to request a waiver of regulatory fees for the above referenced stations.

On August 6th, 2001, I, licensee of the stations filed a voluntary Chapter 13 Bankruptcy proceeding to prevent foreclosure on property occupied by the KRZI(AM) transmitter. A copy of a notice in the case is enclosed for your information.

At this time all available funds are needed of maintain operations of the stations.

Thank you for your consideration.

Sincerely,

Van D. Goodall

SEP 28 11 28 AM '01  
RECEIVED  
AUG 28 11 28 AM '01

**United States Bankruptcy Court**  
For the Western District of Texas, Waco Division

RECEIVED  
SEP 27 2001

**Notice of  
Chapter 13 Bankruptcy Case, Meeting of Creditors. & Deadlines**

**FCC MAIL ROOM**

The debtor(s) listed below filed a chapter 13 case on AUGUST 06, 2001.

You may be a creditor of the debtor. This notice lists important deadlines. You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below.

NOTE: The staff at the bankruptcy clerk's office cannot give legal advice.

**See Reverse Side For Important Explanations**

**Debtor(s) (name(s) and address):**

VAN D GOODALL  
PO BOX 8093  
WACO TX 76714

**Case Number:**

**01-61767 LK**

**Social Security / Taxpayer ID Nos.:**  
458-78-7581

**Attorney for Debtor(s) (name and address):**

ERIN B SHANK PC  
2309 AUSTIN AVE  
WACO TX 76701

**Bankruptcy Trustee (name and address):**

RAY HENDREN  
101 EAST 9TH STREET SUITE 1200  
AUSTIN, TX 78701

**Telephone Number:** (254)296-1161

**Telephone Number:** (512) 474-6309

**Meeting of Creditors**

**Date:** 09/17/01 **Time:** 11:00 AM **Location:** US BANKRUPTCY COURT, ST CHARLES PLACE SUITE 28, 600 AUSTIN AVE, WACO, TX 76701-000

**Deadlines:**

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

**Deadline to File a Proof of Claim:**

For all creditors (except a governmental unit): DECEMBER 16, 2001      For a governmental unit: FEBRUARY 02, 2002

**Deadline to Object to Exemptions:**

Thirty (30) days after the *conclusion* of the meeting of creditors

**Filing of Plan, Hearing on Confirmation of Plan**

The plan and will be sent by debtor's attorney. Hearing on confirmation will be held:

**Date:** MARCH 05, 2002 **Time:** 9:45 AM **Location:** US BANKRUPTCY COURT, ST CHARLES PLACE, SUITE 28, 600 AUSTIN AVE, WACO, TX 76701

**Creditors May Not Take Certain Actions:**

The filing of the bankruptcy case automatically stays certain collections and other actions against the debtor, debtor's property, and certain codebtors. If you attempt to collect or take other action in violation of the Bankruptcy Code, you may be penalized.

**Address of the Bankruptcy Court:**

St. Charles Place  
600 Austin Ave, Suite 20  
Waco, TX 76701  
**Telephone Number:** 254-754-1481

**For the Court:**

**Clerk of the Bankruptcy Court:**

LAWRENCE T. BICK

**Hours Open:** 8AM - 5PM MONDAY - FRIDAY

**Date:** 09/22/2001

RECEIVED  
SEP 28 11 26 AM '01  
AUDIO SERVICES  
DIVISION

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554  
MAY 10 2002

DOCKET FILE COPY ORIGINAL

OFFICE OF  
MANAGING DIRECTOR

86-285

Stephen R. Bell, Esquire  
Kasey A. Chappelle, Esquire  
Willkie Farr & Gallagher  
Three Lafayette Centre  
1155 21st Street, NW  
Washington, D.C. 20036-3384

RE: Request for Fee Determination Concerning Application for Assignment of Blanket License to Deploy up to 3,000 Receive-Only Earth Stations, Fee Control Number 0201028160037001.

Dear Counsel:

We reviewed your request dated December 28, 2001, on behalf of Loral CyberStar Data Services Corp. (Loral Data), that the Commission determine that the appropriate fee to be charged Loral Data in connection with its application for assignment of License SES-LIC-19991124-02095, Call Sign E990522. Because the application to obtain that license pertained to 3,000 receive-only earth stations, the named licensee, OrionNet, Inc., requested a waiver of the difference between the aggregate application fees for individual receive-only earth stations and the application fee for a blanket authorization. You now request that the Commission apply the comparable fee for an application for assignment of a system (\$2,010). You base your request on the grounds that the Commission's fee schedule does "not provide for assignment of blanket-licensed receive-only earth stations" and that the Commission previously issued fee determinations that granted waivers of the fees in excess of those comparable to blanket authorizations for Mobile Satellite Service (MSS) and VSAT systems. In that regard, we construed the instant request for a "fee determination"<sup>1</sup> as a request to waive the difference between the aggregate application fees for the assignment of individual receive-only earth stations (\$405,270)<sup>2</sup> and the application fee for a blanket authorization (\$2,010), or a waiver of \$403,260. For the reasons stated herein, we grant your request for a waiver.

<sup>1</sup> Our rules that implement Section 158 of Title 47 USC do not provide for individual fee determinations, and the Commission quite explicitly stated that "[i]t is not our intention to make individualized determinations of the 'appropriate fee.'" Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, *Opinion and Order*, FCC 88-301, 3 FCC Rcd 5987, ¶ 5 (1988). Consequently, we construed the request as a petition filed under 47 CFR § 1.1117, and in the interest of administrative economy in this situation, we will permit the submission by reference and incorporation of the factual basis for the OrionNet application.

<sup>2</sup> The fee for the application for the assignment of the first station is \$405, and the fee for each additional application is \$135, which in this case is \$405 plus \$135 times 2,999, or \$405,270.



The underlying application for assignment pertains to a "blanket earth stations" license that the International Bureau granted on June 29, 2000, which authorized OrionNet, Inc., to construct, use, and operate 3,000 receive-only earth stations, subject to the provisions stated on the license. You believe that a waiver of the aggregate per-station fee is appropriate because the application fee schedule for 2000 did not address assignments of blanket authorizations for receive-only earth stations, and because the Commission's authorization for a blanket license for receive-only earth stations<sup>3</sup> and a subsequent fee decision resulted in a fee<sup>4</sup> equivalent to the fees for the MSS and VSAT blanket applications.

In OrionNet's application for the authorization, it sought to deploy up to 3,000 receive-only earth stations,<sup>5</sup> which under the application fee schedule for individual receive-only earth stations would have required an aggregate fee of \$885,000. Believing that 3,000 separate applications would be burdensome to OrionNet and the Commission, OrionNet suggested that a blanket application was appropriate and that the "Commission staff w[ould] expend less resources and will be able to more efficiently process [the application] because the multiple earth stations [are] technically identical."

OrionNet also asserted that although the Commission's fee schedule does not provide for blanket licensing of receive-only earth stations, the Commission nonetheless contemplated the issuance of blanket licenses, and as an interim measure applied the fee schedule for MSS and VSAT systems in situations OrionNet believed were factually similar to its proposal. OrionNet relied on the Commission's Order and Authorization permitting *Televisa International, LLC* to operate one million receive-only earth stations to receive Direct-to-Home Fixed Satellite Service (DTH-FSS) television services, and the Commission's decision to specify the blanket application fee. Finally, OrionNet stated that because it will use a foreign satellite licensed by Mexico, its request is factually similar to applications by Televisa and TelQuest Satellite Services, LLC.

Congress permitted the Commission to "waive or defer payment of any charge in any specific instance for good cause shown, where such action would promote the public interest." 47 U.S.C. §§158(d)(2) and (f), *see* 47 CFR § 1.1117. The Commission interprets the waiver and deferral provision narrowly and grants relief on only extraordinary and compelling circumstances.

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<sup>3</sup> *In re Televisa International, LLC, Application for Blanket License for Receive-Only Earth Stations in the Fixed Satellite Service for Direct-to-Home Subscription Television Service*, Order and Authorization, 13 FCC Rcd 10074 (1997) (*Televisa International*).

<sup>4</sup> Letter from Marilyn McDermott to Norman Leventhal and David S. Keir, Re: Fee Control # 9612188160147001, dated February 26, 1997 (*Grupo Televisa Fee*).

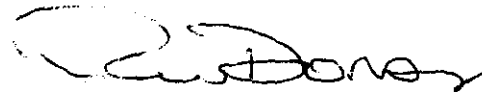
<sup>5</sup> *See* FCC File Number SES-LIC-19991124-02095, granted 06/29/2000.

The Commission previously has noted the special circumstances among earth station licenses to receive satellite transmissions, including the processing extended to large numbers of "technically identical small antenna earth station facilities."<sup>6</sup> Based on the authorization extended under License SES-LIC-19991124-02095, and the circumstances set forth above, we found that OrionNet's plan comports with the Commission's expressed intent in the DISCO II decision.<sup>7</sup> As in that situation, Commission staff anticipated expending fewer resources and anticipated its ability to process more efficiently OrionNet's application because the multiple earth stations were technically identical.

We find that the rationale equally applies to the process involved in the assignment of the single license issued for the "blanket earth stations." Consequently, we find that you have shown that the public interest is served in permitting an application assignment of a single authorization applicable to a blanket "system" and waiving the fees that would have been required to accompany 3,000 separate assignment requests.

Your request is granted and the Commission accepts your check of \$2,010. If you have any questions concerning this letter, you may write me at the Commission or call the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



for  
Mark A. Reger  
Chief Financial Officer

---

<sup>6</sup> See *Report and Order*, Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, 2 FCC Rcd 947 (1987), ¶¶ 245-248.

<sup>7</sup> *Report and Order*, Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Satellite Service in the United States, 12 FCC Rcd 24094 (1997), ¶¶ 201-204 (e.g., "To impose the least burdensome requirements possible while fulfilling our regulatory responsibilities, we will permit applicants to request 'blanket' licenses for large numbers of technically identical receive-only antennas, such as home 'dishes.' Blanket applications may be filed by the space station operator, the service supplier, the equipment manufacturer, or the electronics retailer. Further in cases where we have previously granted a particular satellite access to the United States to provide DTH/DBS or other receive-only services, we will allow the earth station applicant to include an exhibit citing to the previous Commission grant of access for that satellite and stating that it intends to use the satellite to provide the same services as those previously authorized.")

0201028160037001

3/6/02

# WILLKIE FARR & GALLAGHER

Three Lafayette Centre  
1155 21st Street, NW  
Washington, DC 20036-3384  
Tel: 202 328 8000  
Fax: 202 887 8979

December 28, 2001

Andrew S. Fishel  
Managing Director  
Office of the Managing Director  
Federal Communications Commission  
445 12th Street, S.W., Room 1A625  
Washington, D.C. 20554

Re: Request for Fee Determination Concerning Application for Assignment of  
Blanket License to Deploy up to 3,000 Receive-Only Earth Stations

Dear Mr. Fishel:

This letter is submitted on behalf of Loral CyberStar Data Services Corp. ("Loral Data") in conjunction with its application for assignment of Loral CyberStar, Inc.'s blanket authorization to deploy up to 3,000 receive-only earth stations in the U.S. Currently, the Commission's fee schedule does not provide for assignment of blanket-licensed receive-only earth stations. In light of the absence of an appropriate fee category, the Commission has previously issued fee determinations requiring an applicant seeking a blanket license for multiple receive-only earth stations to submit the fee required of applicants seeking blanket authorizations for Mobile Satellite Service ("MSS") and VSAT systems.<sup>1</sup> Consistent with this precedent, Loral Data has concurrently submitted its application for assignment of its blanket-licensed receive-only earth stations and a check in the amount of \$2,010—the current fee for assignment of blanket-licensed MSS and VSAT systems.

When this receive-only earth station system was authorized,<sup>2</sup> the applicant<sup>3</sup> was granted its request to submit a fee equivalent to those required of MSS and VSAT

---

<sup>1</sup> See Letter from Mark A. Reger, Chief Financial Officer, Federal Communications Commission, to Stephen R. Bell and Jennifer D. McCarthy, dated Sep. 28, 2001; Letter from Marilyn McDermott to Norman Leventhal and David S. Keir, dated February 26, 1997.

<sup>2</sup> These earth stations operate under a single FCC license number, SES-LIC-19991124-02095, granted June 29, 2000, and with a single call sign, E990522.

<sup>3</sup> This earth station authorization was granted as a result of an application by OrionNet, Inc. ("OrionNet"), a subsidiary of Loral CyberStar, Inc. ("CyberStar"). Between the date this application was filed and the date it was granted, all licenses and applications were assigned or transferred from OrionNet to Loral Orions Services, Inc. See Application for Consent to the Pro Forma Transfer of Control of OrionNet, Inc. to Loral Orion Services, Inc., filed Nov. 24, 1999. Loral Orion Services, Inc. was then renamed Loral CyberStar, Inc. Loral

WILLKIE FARR &amp; GALLAGHER

FAX TRANSMISSION

Three Lafayette Centre  
1155 21st Street, NW  
Washington, DC 20036-3384  
(202) 328-8000

Date: February 27, 2002

Time: 3:37 PM

Total number of pages (including this page):

3

Please include Client/Matter No. below

FROM: Jennifer McCarthy

Room No.:

Phone No.: 202/429-4715

TO: Tom Putnam

Fax No.: 202/418-2843

Telephone No.: 202/418-2992

City:

State:

Per your request. Please give me a call if you have any questions.

**Confidentiality Note:**

The information contained in this facsimile ("fax") transmission is sent by an attorney or his/her agent, is intended to be confidential and for the use of only the individual or entity to which it is addressed. The information may be protected by attorney/client privilege, work product immunity, or other legal rules. If the reader of this message is not the intended recipient or agent responsible for delivering it to the intended recipient, you are hereby notified that any retention, dissemination, disclosure, distribution, copying, or other use of this fax is strictly prohibited. If you have received this fax in error, please notify us immediately by telephone in order to arrange for the destruction of the fax or its return to us at our expense. THANK YOU.

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If Any Problems:

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(202) 887-8979

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Matter No.:

Attorney No.: 09475

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Please check here if you want faxed document returned to you *instead* of sent to Records Department.

READ INSTRUCTIONS CAREFULLY  
BEFORE PROCEEDINGFEDERAL COMMUNICATIONS COMMISSION  
REMITTANCE ADVICEWF&G  
STAMP INApproved by OMB  
3060-0589  
Page No 1 of 1

(1) LOCKBOX # 358160

FCC/MELLON

DEC 31 2001

SPECIAL USE  
FCC USE ONLY

## SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)  
Loral SpaceCom Corporation(3) TOTAL AMOUNT PAID (U.S. Dollars and cents)  
2010.00(4) STREET ADDRESS LINE NO. 1  
500 Hills Drive(5) STREET ADDRESS LINE NO. 2  
P.O. Box 7018(6) CITY  
Bedminster(7) STATE  
NJ(8) ZIP CODE  
07291-7018(9) DAYTIME TELEPHONE NUMBER (include area code)  
(908) 470-2350

(10) COUNTRY CODE (if not in U.S.A.)

## FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(11) PAYER (FRN)  
0004-9533-29(12) PAYER (TIN)  
13-3867427IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B  
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)(13) APPLICANT NAME  
Loral CyberStar Data Services Corporation(14) STREET ADDRESS LINE NO. 1  
2440 Research Boulevard(15) STREET ADDRESS LINE NO. 2  
P.O. Box 7018(16) CITY  
Rockville(17) STATE  
MD(18) ZIP CODE  
20850-3288(19) DAYTIME TELEPHONE NUMBER (include area code)  
(301) 258-3314

(20) COUNTRY CODE (if not in U.S.A.)

## FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(21) APPLICANT (FRN)  
0006-0025-54(22) APPLICANT (TIN)  
52-2360922

COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET

(23A) CALL SIGN/OTHER ID

(24A) PAYMENT TYPE CODE  
CZS/CZB

(25A) QUANTITY

(26A) FEE DUE FOR (PTC)  
2010.00(27A) TOTAL FEE  
2010.00

FCC USE ONLY

(28A) FCC CODE 1

(29A) FCC CODE 2

(23B) CALL SIGN/OTHER ID

(24B) PAYMENT TYPE CODE

(25B) QUANTITY

(26B) FEE DUE FOR (PTC)

(27B) TOTAL FEE

FCC USE ONLY

(28B) FCC CODE 1

(29B) FCC CODE 2

## SECTION D - CERTIFICATION

(30) CERTIFICATION STATEMENT

I, S. Anna Sucin, certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief.SIGNATURE S. AnnaDATE 12/28/01

## SECTION E - CREDIT CARD PAYMENT INFORMATION

(31)

MASTERCARD/VISA ACCOUNT NUMBER:

EXPIRATION  
DATE:☐

MASTERCARD

☐

VISA

I hereby authorize the FCC to charge my VISA or MASTERCARD for the service(s)/authorization herein described.

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

# Payment Transactions Detail Report

Date: 02/20/2002

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
0201028160037001	LORAL SPACECOM CORPORATION PO BOX 7018 500 HILLS DRIVE BEDMINSTER NJ 07291	WP00046301	0133867427	12/31/2001 00:00:00							
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$2,010.00	\$2,010.00	1	CZB	1		LORAL CYBERSTAR DATA SERVICES	208503288		\$2,010.00	1	PMT
Total	1								\$2,010.00		

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

APR 26 2002

DOCKET FILE COPY ORIGINAL

OFFICE OF  
MANAGING DIRECTOR

86-285

Jamie Doggett, Chairman  
Meagher County Board of Commissioners  
Meagher County Courthouse  
15 West Main  
White Sulphur Springs, Montana 59645-0309

Re: Meagher County, Montana  
Stations K07KD, K11CC, K09WP, K07NU,  
K09MH, and K11MP  
Fee Control No. 00000RROG-02-020

Dear Chairman Doggett:

This is in response to your request dated January 23, 2002, filed on behalf of Meagher County, Montana, for a waiver of the Commission's regulatory fees for Stations K07KD, K11CC, K09WP, K07NU, K09MH, and K11MP. You state that these stations "are all maintained and supplied by Meagher County." Although you do not identify the fiscal year for which you request regulatory relief, our records reflect that Stations K07KD, K11CC, K09WP, K07NU, K09MH, and K11MP have not paid the fiscal year 2001 regulatory fee.

Section 1.1162(b) of the Commission's rules, 47 C.F.R. §1.1162(b), provides that applicants, permittees, or licensees who qualify as government entities are exempt from the Commission's regulatory fees. Section 1.1162(b) defines a government entity as:

any state, possession, city, county, town, village, municipal corporation, or similar political organization or subpart thereof controlled by publicly elected or duly appointed public officials exercising sovereign direction and control over their respective communities or programs.

Our records reflect that Stations K07KD, K11CC, and K09WP are licensed to Checkerboard TV District, in Checkerboard, Montana, and that Stations K07NU, K09MH, and K11MP are licensed to Flatiron Corporation, in White Sulphur Springs, Montana. To the extent that you request an exemption from the Commission's regulatory fees for Stations K07KD, K11CC, K09WP, K07NU, K09MH, and K11MP under section 1.1162(b), we find that you have failed to establish that these six stations qualify for a section 1.1162(b) government entity exemption. However, in view of your statement that the six stations are "maintained and supplied by Meagher County[.]" in lieu of payment of the regulatory fees for these stations, you may refile your request for regulatory relief under section 1.1162(b), together with appropriate supporting documentation, within 30

days from the date of this letter. Appropriate supporting documentation may include, for example, evidence that the stations are controlled by public officials exercising "sovereign direction and control" over the stations's programs. As part of your request, you should identify for which fiscal year you are requesting regulatory relief.

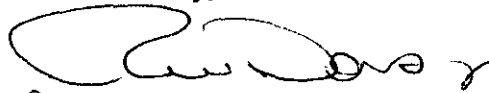
We also note that the Commission, in implementing the regulatory fee program, stated that it would waive its regulatory fees for any community-based translator station that:

(1) is not licensed to, in whole or in part, and does not have common ownership with, the licensee of a commercial broadcast station; (2) does not derive income from advertising; and (3) is dependent on subscriptions or contributions from members of the community served for support.

Implementation of Section 9 of the Communications Act, Memorandum Opinion and Order, 10 FCC Rcd 10,891, para. 16 (1995) (Implementation of Section 9 MO&O). As an alternative to requesting relief under section 1.1162(d) and to the extent that Stations K07KD, K11CC, K09WP, K07NU, K09MH, and K11MP may be community-based translator stations, you may request a waiver of the Commission's regulatory fees by establishing that these stations have the type of translator operation for which the Commission proposed to grant relief from the regulatory fee obligation in the Implementation of Section 9 MO&O. In the event that you request a waiver of the Commission's rules based on the stations' status as community-based translator stations, you may refile your request for regulatory relief (identifying the particular fiscal year for which you request relief) together with appropriate supporting documentation, within 30 days from the date of this letter.

If you have any questions concerning this matter, please contact the Revenue & Receivables Operation Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Reger", written over a horizontal line.

for Mark A. Reger  
Chief Financial Officer



00000 RRA6-02-020



Meagher County, Montana  
WHITE SULPHUR SPRINGS

OFFICE OF  
BOARD OF  
COUNTY COMMISSIONERS

2002 FEB 26 P 4: 20

ACCOUNT PROCESSING  
MAY 15 10 17 AM '02

01-23-2002

Office of the Managing Director  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 1-A625  
Washington, D.C. 20554

Attn: Regulatory Fee Waiver/Reduction Request

To Whom It May Concern:

Please except this letter as a form of request for a waiver of regulatory fees.  
K07KD, K11CC, KO9WP, K07NU, K09MH, and K11MP are all maintained and  
supplied by Meagher County.

Sincerely,

Jamie Doggett  
Chairman Meagher County Commissioners